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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SHERRY-ELIZABETH BECKER,

8 Plaintiff,

9 vs.

10 SCOTT MATTHEW LONG,

11 Defendants.

NO: 4:21-CV-5096-TOR

ORDER DENYING MOTION FOR
RECONSIDERATION

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13 BEFORE THE COURT is Plaintiff's Motion for Reconsideration. ECF No.

14 6. The Court has reviewed the record and files herein and is fully informed.

15 **BACKGROUND**

16 Plaintiff, a resident of Benton City, Washington filed this suit against
17 Defendant, a resident of Pasco, Washington, for breach of contract and trust. See
18 ECF Nos. 1, 6. Plaintiff claims this is a suit in equity. *Id.* Plaintiff provides no
19 basis for this Court's subject matter jurisdiction over this suit.

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DISCUSSION

A motion for reconsideration of a judgment may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Id.* at 1263; *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009) (citation omitted). Whether to grant a motion for reconsideration is within the sound discretion of the court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

As the Court previously explained to Plaintiff, Courts are obligated to consider *sua sponte* issues regarding subject-matter jurisdiction. *See Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012). A simple breach of contract action between two private parties does not arise under the Constitution of the United States. Accordingly, the Court does not have subject matter jurisdiction nor jurisdiction based on equity. Without jurisdiction, the Court has no authority to proceed.

No basis for subject matter jurisdiction exists for this case to proceed in federal court. The Washington State court is the proper forum for this lawsuit.

1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 2 1. Plaintiff's Motion for Reconsideration, ECF No. 6, is **DENIED**. Because
3 the Motion for Reconsideration contains no privacy protected
4 information, the Clerk of Court shall unseal that pleading.
5 2. No further motions will be entertained in this **CLOSED** file.

6 The District Court Executive is directed to enter this Order and furnish a
7 copy to Plaintiff.

8 **DATED** July 6, 2021.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge